

BENTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
MAY 19, 2020

The Benton County Board of Commissioners met in regular session on May 19, 2020 in the Benton County Board Room in Foley, MN with Commissioners Steve Heinen, Ed Popp, Spencer Buerkle, Warren Peschl and Jake Bauerly present. Call to order by Chair Buerkle was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Peschl/Popp unanimous to approve the agenda as written.

No one spoke under Open Forum.

Consent Agenda item #2 was “pulled” for further discussion. Popp/Heinen unanimous to approve the remaining Consent Agenda: 1) approve the Regular Meeting Minutes of May 5, 2020 as written; 3) accept and file Veteran Service Officer quarterly report as written; 4) approve placement of employee of County Attorney’s Office to “unpaid leave” status; and 5) approve minor final plat entitled “*Schaper Addition*”, located in Watab Township, submitted by Rand Schaper.

Board members discussed Consent Agenda item #2—consider approval of revised Benton County Fiscal Policies, the main issue being the question of whether the County Board can legally delegate its approval of contracts to department heads. Chris Byrd, County Engineer, explained that his survey of county engineers across the state resulted in 18 responses received, stating “...all those county policies had some level of delegated authority...most were tiered...some allowed department heads to approve purchases in contracts...some department heads along with county administrator...higher level contracts to the County Board for approval...often the highway department was called out separately... a lot of their policies did reference budgeted expenses...some recognized replacement of equipment versus a new piece of equipment...I think there was some acknowledgement amongst the counties that to do our work “day in and day out”, there needs to be some kind of delegated authority...” Michelle Meyer, Assistant County Attorney, explained “...the Board certainly has the ability to delegate some contracting authority by opening a purchasing department...those smaller budgeted items...that is something we can contemplate...there’s also provisions you can put in for emergencies...my suggestion is to follow the statutory process...have policies in place...otherwise, you are putting yourself at risk...if you create a purchasing department, the Board may choose who gets the benefit of the purchasing department, who has to go through the purchasing director, who needs to go through the County Board, and who can do certain contracts on their own...” Buerkle stated “...I, personally, would like to do it the correct way...wait a little while and get it right...” Monty Headley, County Administrator, noted “...a procurement department would have its own bureaucracy too...it can slow things down...we need to make it as streamlined as possible...allow certain contracts to avoid the procurement department...but I hear Michelle saying that that is the statutory means to make this happen...” Bauerly commented “...the highway department has some unique issues...it says (referencing Meyer’s memo to the Board) that the Minnesota Supreme Court has acknowledged that certain functions related to contracting may be deemed ministerial and ministerial acts may be delegated...this language could be interpreted to allow a county board to authorize any county office, department or agency to approve and sign certain specific contracts without first establishing a purchasing department or purchasing director...” Meyer clarified “...the statute still requires that policies be in place...you still need to decide which agreements can go through that individual...you can’t really proceed with appointing a purchasing director until you have

policies in place...” Headley and Byrd offered their assistance in drafting such policies; an expected timeline would be late fall/winter. (No action taken on Consent Agenda item #2)

Jim McDermott, Emergency Management Director, and Nicole Ruhoff, Community Health Administrator, provided updates on the COVID-19 pandemic. McDermott reported on the donations of masks, bleach, and hand sanitizer; in addition, Benton County has received an emergency management performance grant of \$25,000 for COVID EOC expenses. He stated “...the Washington model is much more optimistic than the Minnesota model...the Minnesota model shows our peak not happening until late June...with the continuation of many deaths...” Ruhoff reported on public health’s efforts in “contact tracing”, the goal of which is to limit the spread of the infection within the community; these efforts also include identification of clusters of the outbreak, understanding how the virus is spread, and offering resources to keep people safe. She added “...today we have about 142 cases...no more deaths other than the 2...no new long-term care cases...they will test every resident and every staff member in long-term care agencies to have a better picture of how the virus is spreading...”

Headley provided an update regarding the reopening of county facilities, stating “...the Supreme Court Justice will decide when, and how, the Courts Facility will open...when that decision is made, the county will support that...they already have the capacity to screen and monitor people coming into that building... regarding the Sheriff’s Office, the Department of Corrections gave us a waiver on jail visiting...when that waiver ends, the Sheriff’s Office will have to explore how it will allow people to enter their lobby...they already have the capability to monitor and control the opening and closing of the doors remotely... regarding Human Services...the current way of doing business is working OK...reopening Human Services is probably our most complex situation...regarding the government center annex...will open when we have three key measures in place—sneeze guards installed...daily sanitizing...person at contact station to manage the number of people that may enter the building at any given time...cameras to capture the public as they come and go...we’ve never been absolutely closed...people could still come in...they could call and a department person could meet them...when we say “reopening”, we are really easing our access restrictions...”

Troy Heck, County Sheriff, presented the Sheriff’s Office annual report for 2019; key points of the report:

- Benton County Dispatch generated 27,900 Initial Complaint Reports (ICR); peak hours were 2:00 PM-5:00 PM (24% of all calls); Fridays generated the most ICRs, while Sundays generated the fewest; Dispatch also dealt with 45,317 incoming and outgoing telephone calls
- Sheriff’s Office received 1,100 requests to serve civil process; 21 mortgage foreclosure sales were conducted (9 fewer than in 2018); 1,557 arrest warrants were received
- 15,432 ICRs were assigned, most of which were handled by the patrol division; the five most common functions performed were assistance to the public and other agencies, suspicious activity reports, driving complaints, medical emergencies and attempts to locate; the five most reported crimes were theft, domestic abuse, fraud, DWI and harassment; majority of this activity occurred between 10:00 AM and 5:00 PM, with a spike in calls for service between 1:00 PM and 3:00 PM; Fridays saw the most activity and Sundays saw the least activity; 567 crimes were reported to the Sheriff’s Office
- 135 cases were assigned to the investigative division; of those cases, 117 cases were cleared, creating an 86% clearance rate
- Benton County Sheriff’s Office is a participating member of the Central MN Violent Offender Task Force; VOTF investigators completed 25 cases in Benton County; seized 1,376 grams of methamphetamine, 37 doses of MDMA, 28 grams of cocaine and 6 grams of heroin

- Jail had an average daily population of 67.36 inmates, a decrease of 8.4 compared to 2018; a total of 2,016 inmates were booked; average length of an inmate stay was 11.82 days; like all jails across the state, Benton County struggles to cope with the influx of inmates battling mental illness
- Benton County Mounted Patrol volunteers worked a total of 685 hours; nine volunteer Reserve Deputies performed a total of 423 hours of service; approximately 134 individuals volunteer in the jail to assist with various programs provided to the inmates—these volunteers performed 1,309 hours of work in the jail
- Sheriff's Office continued public outreach efforts and participated in youth ATV instruction, youth snowmobile instruction, and the DARE program; several deputies worked with police officers from the Foley and Rice Police Departments to continue offering a Police Activities League
- Sheriff's Office continued to make use of Facebook, Twitter, and Nextdoor accounts to distribute information and crime prevention strategies; continued partnership with Benton County News and Sauk Rapids Herald to provide a monthly column on crime prevention and safety topics

Roxanne Achman, Department of Development Director, explained that the Solid Waste Advisory Committee met last night and discussed whether or not to move forward with the June 27<sup>th</sup> Amnesty Day event at the Sauk Rapids High School, given the fact that many large summer events are being cancelled due to COVID-19. She stated that while it is felt that county staff can practice proper social distancing and wear proper protective equipment, there is a question whether the contracted hauler staff and their temporary help are able to do so. Achman stated that the contractor must remove items from vehicles/trailers and then place them in the property containers, and because many of the items are extremely heavy or awkward to handle, it takes multiple staff to move and dispose of such items. She noted that Allied Waste has stated no issues or concerns with participating in the June 27<sup>th</sup> event; the Solid Waste Advisory Committee recommends moving forward with the event, but not make a final determination until the June 2<sup>nd</sup> County Board meeting. Achman stated her plans to reach out to the County Attorney's Office to ask how this event fits within the current executive order. Board members stated their consensus with the recommendation of the Solid Waste Advisory Committee.

The Regular County Board meeting was recessed at 10:03 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 10:05 AM.

The next item on the agenda was Board consideration of a lease agreement with the Foley American Legion to construct and maintain a veterans' memorial on the County's Courts Facility property. Headley explained that the lease agreement envisions a ten-year term with an option for a ten-year renewal; he noted several key features—no lease payment is required; the Legion is responsible for all construction and maintenance of the memorial site, including installation and maintenance of the sidewalk; the County will be responsible for snow removal on the sidewalk; the Legion will reimburse the County once per year for the cost of electricity supplied to the memorial site. Headley added "...there was a little concern on the part of the Legion about the fact that this is a lease and leases end...some Legion members had inquired of an opportunity at some point for the Legion to purchase the site...it wasn't something that they were insisting on seeing in the lease...they just wanted you to know that..." Peschl/Bauerly unanimous to approve a lease agreement with the Foley American Legion for the construction and maintenance of a veterans' memorial located on the County Courts Facility property, and authorize the Chair to sign.

Johanna Mattson, Human Resources Director, explained that the proposed revisions to the public health emergency personnel policies include a new section addressing employee step dates. She stated that, under the current personnel policies, an employee's step date (step increase) is delayed when the employee is on an unpaid leave exceeding 16 consecutive hours; the proposed revisions waive this step date change when the unpaid leave is directly related to the public health emergency (such as office closure, lack of work, or quarantine and isolation). Bauerly/Heinen unanimous to approve the revised public health emergency personnel policies as presented.

Board members reported on recent meetings they attended on behalf of the county.

Under Commissioner Concerns, Commissioner Popp raised some concerns relating to county paving of private driveway aprons on CR 78, stating the need for a "consistent county policy" in this regard. Engineer Byrd explained "...personal, residential driveways...we pave those back to the right-of-way...on field entrances...we pave a little bump out... sometimes that comes into negotiations when we are buying additional highway easement...generally, our policy is one paved driveway...residential driveway...paved back to the 60-foot right-of-way line..." Byrd stated he would research the specific situation referenced by Commissioner Popp on CR 78 and report back.

Peschl/Heinen unanimous to set Committee of the Whole: May 27, Budget.

Heinen/Popp unanimous to adjourn at 10:55 AM.

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Spencer C. Buerkle, Chair  
Benton County Board of Commissioners

ATTEST:

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Montgomery Headley  
Benton County Administrator